UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 February 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. **Claims 1, 2, and 8,** are amended.

2. **Claims 1-13,** have been examined on merits and are pending in this application.

Response to Amendment

3. Applicant's amendment filed on 02/29/2008 necessitated a new ground(s) of rejection presented in this office action. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *bidirectional matching, decision between the first and second users*) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to **Claims 1-13,** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-13** rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6401085 to Gershman et al. (hereinafter "Gershman").

As to Claims 1-2 and 8, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus connected to a first apparatus and a second apparatus via a network, the presence management apparatus comprising (as stated in col. 47, lines 11-14, col. 48, lines 59-67, col. 49, lines 1-19, and col. 60, lines 50-67, Active Knowledge Management System, **users** using **Electronic Valet/Awareness Machines (presence management apparatus)** which are integrated with PDA and sensor **GPS**, and are **connected** to Mobile Portal Platform through **internet** or **extranet (network)**, running Active Knowledge Management System Application which support several channels of **information delivery** to the **users** of Electronic Valets taking into account history of the users interactions and current **real-time situation** including "who, where, and when" awareness):

presence update means for updating a first user's presence received from the first apparatus and a second user's presence received from the second apparatus, wherein the first user uses the first apparatus and the second user uses the second apparatus (as stated in col. 60, lines 50-67 col. 61, lines 1-19, and col. 61, lines 44-51, **<u>Electronic Valet</u>** receives input data from **<u>sensors GPS</u> (presence update means)**. The Client application executing on Electronic Valet forms a message based on the data received and the user input and then transmits the message to the Mobile Portal, which **parses** the message and forms a new message based on the content of the message received and then transmits the new message back to the Electronic Valet

which formats and displays the data received. Thus Mobile portal **_updates location_**
specific to the **_users_** of **_Electronic Valet_** for that **_specific location_**, similarly **other**
users location is updated who is using **_other Electronic Valet_**);

matching condition registration means for registering a matching condition for
another user's presence <u>including   the first user's presence </u>received from the first
apparatus and designated by the first user and a matching condition for another user's
presence <u>including the second user's presence </u>received from the second apparatus
and designated by the second user (as stated in col. 62, lines 2-4, lines 25-30, lines 35-
40, lines 60-67, when a **user (first)** with **_Electronic Valet (apparatus)_** visits a mall with
goal specified for shopping with shopping list , **queries** the **_system_** to suggest a
store/retailer (second user) at any time based on their **_current location (presence)_**.
In **_browse mode_** the system suggests **items of interest** for sale in the stores **currently**
closest to the **shopper, user (first)**. System operates as **_bi-directional channels_** and
displays a list with the **_store name the specific items available and their prices_**. A
map of the mall displays the **shopper's, user (first)** **_current location_** and the **_precise_**
location of the **_store/retailers (second user)_** that are both **_users_** of the **_system_** and
are **_registered_** with **_system_**);

and matching decision means <u>of bidirectional matching, decision between the</u>
<u>first and second users </u>for deciding if the first user's presence matches the matching
condition designated by the second user and if the second user's presence matches the
registered matching condition designated by the first user, <u>a result of </u>that the matching
condition registration means performs <u>matching condition </u>registration processing or the

presence update means performs. presence updates processing, <u>for the first user</u> (as

stated in col. 46, lines 22-40, col. 61, lines 65-67, col. 62, lines 14-15, lines 48-67,

<u>Event Backgrounder</u> of the **<u>shopper's (first user)</u>** is **<u>constantly updated</u>** with the

<u>latest information</u> to provide the **<u>most up-to-date information</u>** about an **<u>event</u>**,

<u>drawing</u> from a **<u>number of resources</u>**, such as **<u>user's calendar, contact lists</u>**,

<u>Pertinent information</u> such as **<u>itinerary</u>** and **<u>logistics</u>** and other **<u>useful information</u>**,

such as **<u>people</u>** the **<u>user knows</u>** who might be in the **<u>same location</u>**, are also included

to allow the **<u>user </u>** to **<u>react optimally</u>** in a **<u>given situation</u>**.   When a user of **Electronic**

Valet (apparatus) is in the Mall for Shopping, an item is considered to be of interest if it

matches the categories entered in the **goals screen** of the **<u>shopper's </u>(first user)**

Electronic Valet (apparatus). The **stores/retailers (second user)** in the mall have

online catalogs with item prices and which are registered with the system **database**.

Intelligent agents of the system are utilized to **conduct <u>research, execute</u>**

<u>transactions</u> and provide **<u>advice</u>** for **<u>shopper's (first user) goals</u>** and **<u>preferences</u>**. If

an item displayed is selected by the **shopper (first user)** while browsing, Intelligent

agents **search** and **match** from the **<u>database</u>** of the **<u>stores/retailers (second user)</u>**

on-line catalogs for the items on shoppers shopping list, and the system **alerts**

(notification) the **<u>shopper</u>** to the local **<u>stores/retailers (second user)</u>** offering the

product for the **<u>lowest price</u>**, or announces the **<u>best local price</u>**);

matching notification means for notifying the first and/or the second apparatus

that, if the matching decision means decides that the first <u>and second user's presences</u>

<u>are coincident with the </u>matching conditions designated by <u>the second and first users,</u>

respectively, a match has occurred (as stated in col.62, lines 65-67 and col. 63, line 1-2, col. 46, lines 22-40, at **_discretion_** of **_shopper's_** *(first apparatus user)*, intelligent agent provide **_information_** to **_stores/retailers_** *(second user)* as well, who, in turn, **_responds_** *(notification)* with a **_customized offer_** that **_bundles service_** along with the **_product_** to the **_shopper_** *(first apparatus user)*. **_Vicinity Friend Finder_** **_looks_** for opportunities to **_tell_** the **_user_** when a **_friend_**, **_family_** **_member_** or **_acquaintance_** **_is_** or **_is_** **_going to_** be in the **_same vicinity_** as the **_user_**.   This software scans the **_user's_** **_calendar_** for upcoming **_events_**. It then uses a **_geographic map_** to **_compare_** and **_match_** those **_calendar events_** with the **_calendar events of people_** who are **_listed in_** **_his contact list_**. It then **_informs_** the **_user_** of any **_matches_**, thus telling the **_user_** that **_someone_** *(other users)* is scheduled to be **_near_** him at a particular **_time_**.*)*.

As to Claims 3 and 9, *Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 1 and 8,*

wherein, the matching condition registered by the matching condition registration means of the presence management apparatus includes a combination of a logical sum and/or a logical product of a condition for two or more presences (as stated in col.18, lines 15-20, col. 14, lines 20-24, col. 37, lines 6-11, col 37, lines 32-35 and col. 28, lines 39-41, FIG. 4 is a detailed flowchart of *pattern matching*. FIG. 7 provides more detail on creating the *query*. Processing commences at function block 710 where invokes GoBF which is responsible for *logical processing* associated with wrapping the correct

search *query information* for the particular target, *record* is parsed to obtain potential

match based on *location* and time.   Depending on type of placeholder, we have

specific requirements and different *binding criteria (matching condition)*, specified in

the functions *BindName*, *BindTime*, *BindCompanyLocTopic*.   If binding is successful

we *add* it to our *record*, by associating a value with a placeholder, a *decision* is made

on what material to transmit to the file for ultimate consumption by the *user*).

    As to Claims 4 and 10, Gershman teaches active knowledge management

system consisting, information delivery system and presence management apparatus

according to claims 1 and 8,

    wherein, for use when it is decided that the first user's presence matches the

matching condition designated by the second user, the matching decision means of the

presence management apparatus comprises matching candidate storage means for

storing therein an identifier of the first user and an identifier of the second user as one of

matching candidates and (as stated in col. 41, lines 51-55, *user table* 1310 contains a

record for each user who has an account in the system. This table contains a *unique*

identifier of the user and one *central storage* place for a person's profile. The profile

gateway server 1720 receives all requests for *profile information*, from other system

users or merchants trying to provide a *service to the user* based on the *location* of the

user.

    wherein, if it is decided that the second user's presence matches the matching

condition designated by the first user, the matching decision means of the presence

management apparatus searches the matching candidates, stored in the matching

candidate storage means, to decide if the first user's presence already matches the

matching condition designated by the second user (as stated in preceding paragraphs

and col. 41, lines 51-55, col. 43, lines 22-48,   FIG. 16 describes the **algorithm** for

determining the personalized product ratings for a user.   When the user requests a

product report 1610 for product X, the algorithm **retrieves the profiles** 1620 from the

profile **database** 1630 (which includes product ratings) of those **users** who have

previously rated that product).

As to Claims 5-6 and 11-12, Gershman teaches active knowledge management

system consisting, information delivery system and presence management apparatus

according to claims 4 and 10,

    wherein, if it is decided that the first user's presence does not match the

matching condition designated by the second user, the matching decision means of the

presence management apparatus registers the identifier of the first user and the

identifier of the second user as a matching candidate (as stated in col. 41, lines 51-55,

col. 43, lines 22-48, system **retrieves** the **default thresholds** 1640 for the **profile**

matching algorithm from the content **database** 1650);

    if it is decided that the first user's presence matches the matching condition

designated by the second user, the matching decision means of the presence

management apparatus decides that the both matching conditions are satisfied (as

stated in preceding paragraphs and col. 41, lines 51-55, col. 43, lines 22-48, system

retrieves the *default thresholds* 1640 for the *profile matching* algorithm from the content *database* 1650. It then *maps* all of the short list of users along *several dimensions* specified in the *profile-matching algorithm* 1660. The top n, nearest neighbors is then determined and a test is performed to decide if they are within distance y of the user's profile in the set 1670 using the results from the profile-matching algorithm. If they are *not within* the *threshold*, then the threshold variables are *relaxed* 1680, and the test is run again. This processing is repeated until the test returns true. The product ratings from the smaller set of n nearest neighbors are then used to determine a number of product statistics 1690 along several dimensions. Those *statistics* are *inserted* into a product report template 1695 and *returned* to the *user* 1697 as a product report).

As to Claims 7 and 13, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 4 and 10,

wherein, for the first user and the second user whose identifiers are stored as the matching candidates, the matching decision means of the presence management apparatus decides if the first user's presence matches the matching condition designated by the second user and, if it is decided that they do not match, deletes the identifier of the first user and the identifier of the second user from the matching candidate storage means (as stated in col.47, lines 42-51, col. 48 lines15-32, Intelligent Agent Coordinator 2580 of FIG. 25 is also the user's interface to the system. Intelligent

Agent Coordinator performs primary responsibilities of monitoring user activities, handling **information requests**, maintaining each **user's profile**, and routing information to and from users and to and from the other respective agents. In order to protect the data contained in the profiles, the Intelligent Agent Coordinator must handle **all user information** requests and **constantly modifying** and **updating** these **profiles** by watching the **user's activities** and attempting to learn the patterns of their lives in order to assist in the more routine, mundane tasks. Intelligent Agent Coordinator's observations are that it also tries to **determine** where each user is physically **located** throughout the day for routing purposes).

Response to Arguments

5.   Applicant's arguments, with regards to **Claims 1-13,** filed 29 February 2008 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with Applicant's arguments, on page 10 of Remarks regarding, "matching condition for another user's presence including the first user's presence received from the first apparatus and designated by the first user". Gershman teaches the same, as stated and disclosed in col. 46, lines 22-40, _**Event Backgrounder**_ of the _**shopper's (first user)**_ is _**constantly updated**_ with the _**latest information**_ to provide the _**most up-to-date information**_ about an _**event**_, _**drawing**_ from a _**number of resources**_, such as _**user's calendar, contact lists**_, _**Pertinent information**_ such as _**itinerary**_ and _**logistics**_ and other _**useful information**_, such as _**people**_ the _**user knows**_ who might be in the _**same location**_, are also included to allow

the *user* to *react optimally* in a *given situation*. *Vicinity Friend Finder* *looks* for opportunities to *tell* the *user* when a *friend*, *family member* or *acquaintance is* or *is going to* be in the *same vicinity* as the *user*. This software scans the *user's calendar* for upcoming *events*. It then uses a *geographic map* to *compare* and *match* those *calendar events* with the *calendar events of people* who are *listed in his contact list*. It then *informs* the *user* of any *matches*, thus telling the user that someone is scheduled to be near him at a particular time.

The Examiner respectfully disagrees with Applicant's arguments, on page 10 of Remarks regarding, "bidirectional matching". Gershman teaches the same, as stated and disclosed in col. 62, lines 60-67, System operates as *bi-directional channels* and *displays* a list with the *store name the specific items available and their prices*. A map of the mall displays the *shopper's, user (first) current location* and the *precise location* of the *store/retailers (second user)* that are both *users* of the *system* and are *registered* with *system.* The *system* operates as *bi-directional channel* that is not only can they *provide information* to the *shopper*, but, at the shopper's discretion, they may *provide information* to *retailers* as well to *indicate* a *shopper's goals* and *preferences* to a retailer-based agent, who, in turn, *responds* with a *customized offer* that *bundles service* along with the *product*. Consequently, among the most useful *information provided* at any *given time* is the *availability* of *merchandise*, *service*, other *contacts presence*, in the *surrounding stores* that *matches* their *previously stated goals*.

Therefore, in view of the above reasons, Examiner maintains rejections.

Action Final

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muktesh G. Gupta whose telephone number is 571-270-5011. The examiner can normally be reached on Monday-Friday, 8:00 a.m. -5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on 571-272-3922.   The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MG

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144